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ABSTRACT

The University of Utah developed and implemented a project for curricular reform at its Law School called "Capstone-Cornerstone." It was designed to provide each year of legal education with a distinctive purpose and a logical progression in the acquisition of knowledge and development of skills, provide different levels of exposure to subjects, and promote diverse teaching and evaluation methods. The program retains the traditional first year curriculum. Most of the traditional second year curriculum was restructured into 13 Cornerstone courses devoted to imparting foundational doctrine and skills necessary for either a well-rounded legal education or advanced third-year studies. Third year Capstone courses provide an advanced and rigorous experience involving extensive research and writing, interdisciplinary breadth, and integration of legal doctrine, lawyering skills and ethics. Judged against the goals originally set to provide a unified educational experience in which the basic skills, knowledge and values are acquired in a coherent fashion, the program was only a qualified success. However, the program did achieve many of its intermediate goals and in certain respects had a positive and potentially long lasting impact on the curriculum. Appendixes contain enrollment reports. (JB)

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Project Title: Capstone-Cornerstone Program for Reform of Legal Education at the University of Utah College of Law

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Grant No.:	G008642080 Capstone Cornerstone Proposal for Reform of Legal Education at the University of Utah College of Law
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Project Director:	Kristine Strachan* Dean and Professor of Law University of San Diego School of Law Alcala Park San Diego, CA 92110 Phone: (619) 260-4527
FIPSE Program Officer:	John Donahue

Grant Award:

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Year 3	$39,808
Total	$111,559

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Capstone-Cornerstone Program for Reform of Legal Education
at the University of Utah College of Law

Summary

Capstone-Cornerstone is a project for curricular reform implemented at the University of Utah, College of Law during 1986-89. It is designed to provide each year of legal education with a distinctive purpose and a logical progression in the acquisition of knowledge and development of skills. Second year Cornerstone courses provide compressed coverage of basic doctrine and skills. Third year Capstone courses provide an advanced and rigorous experience involving extensive research and writing, interdisciplinary breadth, and integration of legal doctrine, lawyering skills and ethics.

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EXECUTIVE SUMMARY

A. PROJECT OVERVIEW

Commencing in 1984 the University of Utah College of Law undertook a comprehensive review of its curriculum, particularly the second and third years which are regarded as unsatisfactory by many students, faculty and alumni. In 1986 the faculty adopted an innovative program of curricular reform called Capstone-Cornerstone. Its significant impact is upon the second and third years of legal education and implementation of the program during the 1986-89 period was supported by this grant. Broadly described the program seeks to give each year of legal education a distinctive purpose and character; allow logical progression of acquisition of knowledge and development of skills; provide different levels of exposure to subjects; and promote diverse teaching and evaluation methods.

B. PURPOSE

The purpose of Capstone-Cornerstone is to address a number of perceived deficiencies in legal education. In most American law schools today, the curriculum is composed primarily of doctrinal courses which employ, with some minor variations, a single teaching method and mode of evaluation: the case method of study, a question and answer interchange between teacher and students, and a single essay examination at the end of each course. This method of study is pervasive throughout the three years of legal education. Legal education traditionally has not been structured to ask and answer a crucial educational question: has each graduate acquired the knowledge, skills and values necessary for the beginning lawyer?

C. BACKGROUND AND ORIGINS

As the only state supported school in the state, Utah has a large percentage of locally resident students. Many of these students as well as a number of students from outside the state elect to practice law in Utah. Because of the small size of the state, and the nature of practice in Utah, this means that many of the College's graduates enter practice in situations where there is no formal or informal training available. This situation lead the faculty to a study and complete restructuring of the College's clinical program in the mid 1980's. During the course of that study it became apparent to the faculty that problems were not limited to the clinical program but were pervasive throughout the curriculum. This perception of widespread dissatisfaction among faculty, students and recent alumni lead to a three-year long curriculum study. The Capstone-Cornerstone program, formed and adopted during a series of meetings which took place in the spring

of 1986, was the result of this study.

D. PROJECT DESCRIPTION

The Capstone-Cornerstone program retains the traditional first year curriculum with its emphasis on teaching basic legal doctrine together with training in the essential skills of case analysis, legal reasoning and legal research and writing. Most of the traditional second year curriculum has been restructured into 13 Cornerstone courses devoted to imparting foundational doctrine and skills necessary for either a well-rounded legal education or advanced third-year studies. A number of small, year long Capstone courses have been offered to electing third year students. Capstone courses may carry up to 12 hours of credit and are designed to culminate the prior, foundational years of legal education with a rigorous, advanced, and integrated educational experience.

E. PROJECT RESULTS

Cornerstone Courses

Cornerstone courses were intended to have large enrollments; to compress material previously taught in separate courses; to provide logical progression and coherence to the curriculum by providing the foundations for advanced study; to employ innovative methodology; to foster the development of new teaching materials; and to be institutionalized.

As expected, enrollment in most of the Cornerstone courses has been heavy. Of the thirteen Cornerstone courses only six, as actually taught, involve compression i.e. include in course coverage substantial portions of two or more previously separate courses. Only three of the Cornerstones address the problem of logical progression and coherence in the curriculum: Litigation, Commercial Law and Natural Resources. With a few exceptions the Cornerstone courses, in their current state of evolution, have not yet succeeded in making substantial use of innovative methodology. Two sets of new materials were developed and in several other instances faculty members supplemented regularly available materials with their own original products. The Cornerstone Program is institutionalized.

Capstone Courses

Capstone courses were intended to be year long with up to 12 credit hours; involve extensive research (empirical or doctrinal) and writing; be interdisciplinary in some instances; integrate the study of doctrine, skills and values; employ innovative methodology; include frequent feedback to students; and be available to approximately one-half the third year class.

Unlike the Cornerstones, Capstone enrollment and offerings have not been heavy. All six Capstones have been year long. Three carried eight credit hours; the other three carried six credit hours. With one possible exception, all of the Capstones have met expectations with respect to the commitment to research and writing. All of the Capstones attempted some integration, partly through interdisciplinary approaches, and partly through internships. All of the Capstones included frequent feedback on

student work. None of the Capstones depended exclusively on traditional classroom meetings although all of them utilized such meetings to some extent. There is a substantial question concerning the viability of the Capstone program.

F. SUMMARY AND CONCLUSIONS

Judged against the grand goal originally set--to provide a unified educational experience in which the basic skills, knowledge and values necessary to the competent practitioner are acquired in a systematic, incremental and coherent fashion--Capstone-Cornerstone is only a qualified success. However, Capstone Cornerstone has achieved many of its intermediate goals and in certain respects has had a positive and potentially long lasting impact on the curriculum.

The Cornerstone program is institutionalized but it has not fully met many of the goals set for it. On the other hand, the Capstone program has largely met the goals set for it but it is not institutionalized. The following factors appear to have operated with Capstone-Cornerstone.

Faculty Size. Ambitious curriculum reform is difficult with a small faculty that is unwilling to put aside research and service commitments indefinitely. The first year and core upper level courses must be taught and the size of these classes is limited by both pedagogical and architectural considerations. On a small faculty there is simply less capacity for "discretionary" courses; this limited capacity exacerbates planning problems and complicates efforts to maintain manageable teaching workloads.

Student and Faculty Interests. For most of the faculty Cornerstones were viewed as the "means," while Capstones were viewed as the "ends." Students do not share this vision. Faculty view the time commitment as substantial but justify it by the opportunity to be immersed in an area of interest. Faculty areas of interest and student perceptions of relevance do not necessarily coincide. Of course, the faculty strongly believes that Capstones are very "relevant" to "practice." The faculty and administration have not adequately conveyed this view; marketing is part of curriculum reform.

Intractability. Law schools are complex organizations with several constituencies, portions of which will at any time be invested in the status quo and therefor resistant to change. Curriculum reform efforts, including this one, always underestimate the amount, strength and impact of this resistance. Collegiality, commitment to teaching, and consensus may not be sufficient to overcome this resistance.

Vitality. Curriculum reform is expensive; thousands of hours have gone into planning and implementation of Capstone-Cornerstone. Curriculum reform is invariably disappointing if success is measured solely against the lofty goals that are typically set. However, such goals and measurements understate the benefits of reform efforts. Any effort that causes 80% of a faculty to participate in a project, to discuss fundamental pedagogical issues, and to arrive at a working consensus on the direction its curriculum ought to take, must be viewed as a success. Process is at least as important as product.

A. PROJECT OVERVIEW

Commencing in 1984 the University of Utah College of Law undertook a comprehensive review of its curriculum, particularly the second and third years which are regarded as unsatisfactory by many students, faculty and alumni. In 1986 the faculty adopted an innovative program of curricular reform called Capstone-Cornerstone. Its significant impact is upon the second and third years of legal education and implementation of the program during the 1986-89 period was supported by this grant. Broadly described the program seeks to give each year of legal education a distinctive purpose and character; allow logical progression of acquisition of knowledge and development of skills; provide different levels of exposure to subjects; and promote diverse teaching and evaluation methods.

The Capstone-Cornerstone reform is aimed at minimizing repetition, increasing integration and importing structure and coherence into the legal education curriculum. The program retains the traditional first year curriculum, with its emphasis on teaching basic legal doctrine and the essential skills of case analysis, legal reasoning and legal research and writing. The second year consists primarily of elective Cornerstone courses which offer compressed coverage of related subjects and impart foundational doctrine and skills necessary for either a well-rounded legal education or advanced, specialized, third year studies. In the third year a number of small, elective year-long Capstone courses are offered to students to culminate the prior

foundational years of study with an advanced, rigorous and stimulating educational experience. These Capstone courses, which may carry up to 12 hours credit and extend over two semesters, involve extensive research and writing under close faculty supervision, interdisciplinary or cross-doctrinal breadth, diverse teaching methodologies, integration of doctrine, skills and values, and frequent faculty evaluation of student performance.

Judged against the grand goals originally set, Capstone-Cornerstone has been only a qualified success. However, Capstone-Cornerstone has achieved many of its intermediate goals and in certain respects has had a positive and potentially long lasting impact on the curriculum. The Cornerstone program is institutionalized with the large enrollment courses that were planned but the courses have not met fully some of the goals set for them. The Capstone program has largely met the goals set for it but it is not institutionalized.

B. PURPOSE

For over 100 years, legal education at most American law schools has remained remarkably unchanged despite extensive transformations in the practice of law, legal doctrine, and the legal system. For at least the last 60 years, there has been mounting criticism by law faculty, students, lawyers, and judges that legal education, primarily in the second and third years, is seriously deficient. In the last 15 years, the problems have received national attention and there is now widespread agreement that curricular reform is necessary. In response to this, many

law schools, including this one, have attempted to revise their curriculum; however, reforms have usually been piecemeal. Individual faculty members increasingly employ different methodologies, including clinic, simulation, and computer assisted learning instruction. While these improvements have been generally well received by students, they do not provide a unified educational experience in which the basic skills, knowledge and values necessary to the competent practitioner are acquired in a systematic, incremental and coherent fashion.

The purpose of Capstone-Cornerstone is to address a number of these perceived deficiencies. In most American law schools today, the curriculum is composed primarily of doctrinal courses which employ, with some minor variations, a single teaching method and mode of evaluation: the case method of study, a question and answer interchange between teacher and students, and a single essay examination at the end of each course. This method of study is pervasive throughout the three years of legal education. Courses usually consist of 50 minute sessions, three to four hours per week, for approximately 26 to 28 weeks per school year. Average class size is extraordinarily large for post-graduate or professional education: approximately 40 to 50 students per course. Normally, there are very few required courses after the first year. Class discussions usually focus on rules and processes within the context of one or more cases or explore factual hypotheticals. Case analysis and legal reasoning are emphasized; however, there is little training in other skills necessary to

competent law practice, such as fact investigation, interviewing, counselling, negotiation, advocacy, problem-solving, document drafting or research and writing. With the exception of comparatively few seminars and legal writing courses, little research or written work under direct faculty supervision is required or made available.

Most law school courses focus primarily on private, judge-made law, to the exclusion of legislative, administrative and public law materials. Ethical or social values and other humanistic perspectives, such as history or philosophy, receive little explicit attention. Social science and other inter-disciplinary perspectives rarely are employed to evaluate the impact of legal rules and to consider alternative courses of action. Occasional electives in legal ethics, jurisprudence, comparative law or legal history are offered, but there is no systematic attempt to break through doctrinal course barriers and integrate ethical or philosophical perspectives.

In sum, legal education traditionally has not been structured to ask and answer a crucial educational question: has each graduate acquired the knowledge, skills and values necessary for the beginning lawyer? Students are not taught and do not learn in a way that adequately prepares them to deal with the complex human and legal problems of modern law practice or that motivates them to consider, much less reform, deficiencies in the law or the legal system. Instead, a common law school response has been to place with legal employers, or the school of "hard knocks", a crucial

responsibility for developing the competence of beginning practitioners.

C. BACKGROUND AND ORIGINS

The College of Law at the University of Utah is a relatively small (400 students and 25 faculty) state supported school. It is located in Salt Lake City, a medium size metropolitan area, that is also the state capitol. The law school was established in 1912, is accredited by the American Bar Association and has been a member of the Association of American Law Schools since 1929.

Although the College has a national reputation as a center of important legal scholarship, the faculty has historically considered effective teaching to be its primary mission. This investment in teaching may be a common characteristic of small law schools because of the relatively close student-faculty interaction permitted by their size. In the case of Utah it is a reflection of long term commitment which is embodied in hiring practices as well as a history of efforts at curricular reform. In the late 1960's Utah developed one of the first large in-house clinical programs. In the 1970's Utah devised an extensive array of transaction based planning and problem courses.

Utah's small faculty has been both a positive and a negative factor in curriculum reform efforts. Small size has facilitated reform because it has made possible an extraordinary level of collegiality and a consensus on educational goals. Small size deters curricular reform because a large percentage of faculty teaching time must be devoted to the first year and core upper

level curriculum; specialized and advanced offerings are a luxury.

As the only state supported school in the state, Utah has a large percentage of locally resident students. Many of these students as well as a number of students from outside the state elect to practice law in Utah. Because of the small size of the state, and the nature of practice in Utah, this means that many of the College's graduates enter practice in situations where there is no formal or informal training available. This situation lead the faculty to a study and complete restructuring of the College's clinical program in the mid 1980's. During the course of that study it became apparent to the faculty that problems were not limited to the clinical program but were pervasive throughout the curriculum.

This perception of widespread dissatisfaction among faculty, students and recent alumni lead to a three-year long curriculum study. The Capstone-Cornerstone program, formed and adopted during a series of meetings which took place in the spring of 1986, was the result of this study.

D. PROJECT DESCRIPTION

The Capstone-Cornerstone program retains the traditional first year curriculum with its emphasis on teaching basic legal doctrine together with training in the essential skills of case analysis, legal reasoning and legal research and writing. Most of the traditional second year curriculum has been restructured into 13 Cornerstone courses devoted to imparting foundational doctrine and skills necessary for either a well-rounded legal education or

advanced third-year studies. A number of small, year long Capstone courses have been offered to electing third year students. Capstone courses may carry up to 12 hours of credit and are designed to culminate the prior, foundational years of legal education with a rigorous, advanced, and integrated educational experience.

The content and methodology of each Capstone course was developed by faculty, in conjunction with the College Curriculum Committee, to meet several requirements: (1) integration of legal doctrine, skills, and values; (2) breadth, in the sense of bridging traditional course barriers or including materials from disciplines other than law; (3) extensive research (doctrinal or empirical) and writing; (4) close working association between no more than 12 students and faculty, with rigorous supervision and review of student work; and (5) frequent faculty evaluation, personal critique and feedback.

Given the small size of the law faculty, and the expectation that the size would not increase substantially, the implementation of the Capstone course proposal required compression and combination of the upper level, doctrinal course offerings. This compression, accomplished through the Cornerstone courses, was critical for several reasons: it was the only way to make available sufficient faculty and student time for the breadth and intensity of the Capstone courses, while still preserving approximately 35 to 40 traditional upper level courses and seminars. Compression was necessary in order to assure students

reasonable exposure to a range of basic legal doctrine. It was also necessary to preserve the 35 to 40 traditional courses in order to accommodate both faculty and students who did not wish to participate in Capstones.

Cornerstone courses are four hour, one semester courses, designed primarily for second year students. They provide the overview necessary for students who want either to specialize in further courses in the field or to obtain general familiarity with the field but who have no desire to pursue it in depth. Cornerstone courses are offered in Administrative Law, Business Organizations, Commercial Law, Criminal Procedure, Evidence, Family Law, Income Taxation, Land Development, Lawyering Skills, Litigation, Natural Resources, Trial Advocacy, and Trusts and Estates. These courses were selected as Cornerstones either because they include fundamental doctrine or skills necessary to all competent graduates or because, while not fundamental to all graduates, they include materials that must be studied in the second year in order to prepare students for advanced third year offerings.

Cornerstone courses were intended to and did have large enrollments. See Appendix "A". These large enrollments were expected to reduce student-faculty ratios in other advanced courses. Lowering the notoriously high student-faculty ratio of legal education is, in the opinion of virtually all informed observers, the linchpin of methodological innovation and increased teaching effectiveness.

The amount of doctrinal compression varied among the Cornerstones. Some courses, such as Income Tax, Trial Advocacy, and Evidence, which had previously been taught in a four hour format, covered the same subject matter when taught as Cornerstones. Each of these courses was either the only course taught in the area or involved subject matter that is peculiarly resistant to condensation. Many of the Cornerstones did, however, involve substantial compression. For example, the Commercial Law Cornerstone includes basic parts of separate courses previously offered in sales, secured transactions, and payment systems in addition to brief treatment of consumer law, creditor-debtor relations and bankruptcy. The Litigation Cornerstone includes basic parts of separate courses previously offered in advanced civil procedure, federal courts, and remedies as well as an overview of conflicts.

Planning of the Capstone and Cornerstone courses involved a major time commitment for the faculty and administrators involved. 20 of 25 full time faculty taught either a Cornerstone or a Capstone course during the three year grant period. The principal use of grant funds was to support the planning efforts. In a few instances this required the development of completely new teaching materials. In most instances it required the supplementation of existing materials.

E. PROJECT RESULTS

In order to evaluate the results of the Capstone-Cornerstone program all of the participating faculty as well as responsible

administrative personnel were interviewed concerning their experiences. In addition, student evaluations of all of the Capstone and Cornerstone courses were analyzed and additional student input was obtained directly from a number of students. And finally the faculty, individually and collectively, has developed considerable information about the program simply from participating in it and exchanging views in the process. All of these sources are reflected in this discussion of the program results.

Cornerstone Courses

Cornerstone courses were intended to have large enrollments; to compress material previously taught in separate courses; to provide logical progression and coherence to the curriculum by providing the foundations for advanced study; to employ innovative methodology; to foster the development of new teaching materials; and to be institutionalized.

Enrollment. As expected, enrollment in most of the Cornerstone courses has been heavy. See Appendix "A". In many instances the enrollment has been limited by the size of the classroom which is typically available. These enrollment figures are not surprising since the courses replaced by the Cornerstones were for the most part the traditional second year courses taken by a large percentage of the second year class i.e. Criminal Procedure, Commercial Law, Income Tax, Litigation, Trial Advocacy, Evidence, Trust and Estates, and Business Organizations. These classes were heavily subscribed before the Cornerstone format was

introduced and they continue to be heavily subscribed. Family Law and Administrative Law and Regulation are courses that have experienced increased enrollment since adoption of the Cornerstone format. The Cornerstones with less enrollment pressure are Lawyering Skills, Natural Resources, and Land Development. One of these courses, Lawyering Skills, was a new addition to the curriculum. The Natural Resources and Land Development cornerstones cover subject matter that was not part of the traditional second year curriculum and, in the case of the Natural Resources cornerstone, was included as a cornerstone not because the material is fundamental but rather because it is a prerequisite to advanced study in one of the College's areas of specialization.

Compression. Of the thirteen Cornerstone courses only six, as actually taught, involve compression i.e. include in course coverage substantial portions of two or more previously separate courses. These six Cornerstones are Criminal Procedure (replaces separate courses in investigatory and adjudicatory process), Commercial Law (replaces Sales, Secured Transactions and Payment Systems), Trusts and Estates (includes Estate and Gift Tax), Land Development (includes Property II and Real Estate Development and Financing), Natural Resources (replaces Energy Law and adds material on water, mining, timber and range management) and Litigation (replaces Advanced Civil Procedure, large parts of Federal Courts, and the injunctions part of Remedies). The remaining seven Cornerstones are either entirely new e.g., Lawyering Skills or continue to be taught in substantially their

pre-Cornerstone format. This latter group includes Evidence, Income Tax, Trial Advocacy, Business Organizations, Family Law and Administrative Law and Regulation.

Faculty and student views concerning this compression are mixed. Perhaps surprisingly, most participating faculty favor the compressed format, at least as long as there are additional advanced courses in the area. Several faculty members saw advantages in covering previously separate concepts together primarily because it allows students to see relationships more easily. Several faculty expressed concern about the superficiality of coverage and the necessary reliance on lecturing to cover more material.

Student views are more uniform with an apparent direct correlation between the amount of perceived compression and student dissatisfaction. Typical comments were "it attempts to cover too much boring shit in detail" and "cornerstone approach provided too little time to cover subject areas with any depth" although there were a few individual positive comments about lecturing and a student's inability to otherwise be exposed to the wide range of subject matter. Interestingly, however, students had the same criticism of some Cornerstone courses that involved only modest or no compression.

Logical Progression. Only three of the Cornerstones address the problem of logical progression and coherence in the curriculum: Litigation, Commercial Law and Natural Resources. In each instance the Cornerstone is viewed by participating faculty as providing the

basic exposure necessary for advanced courses. However, all of these faculty also commented that the small size of our faculty combined with faculty commitment to teaching the Cornerstones once or twice each year has made it difficult to offer advanced courses in these areas. This is less true of Natural Resources than of Litigation and Commercial Law.

Innovative Methodology. With a few exceptions the Cornerstone courses, in their current state of evolution, have not yet succeeded in making substantial use of innovative methodology. Many of the Cornerstones involve more lecture than is typical of law school classes. The Lawyering Skills Cornerstone extensively uses simulation, critique and videotape review. In one section of one Cornerstone a portion of the course was team taught to take advantage of differing expertises. One section of a different Cornerstone utilized problems and a hornbook rather than cases to cover large amounts of material.

There does not appear to be any correlation between student satisfaction and the use of innovative methodology in these courses although there is some basis for concluding that both students and faculty were unhappy with the amount of lecturing in Cornerstones generally.

New Teaching Materials. At the time the program was designed most faculty concluded that the Cornerstone format would require the development of new teaching materials and that this would be an important by-product of the program. In fact, two sets of new materials were developed and in several other instances faculty

members supplemented regularly available materials with their own original products.

Institutionalization. The Cornerstone Program is institutionalized. All thirteen Cornerstones were taught during the 1987-88 and 1988-89 academic years and all are currently being offered during 1989-90. Six of the thirteen are regularly taught twice each year in order to accommodate student demand and classroom size constraints. With the exception of the Lawyering Skills cornerstone there appears to be a commitment to continue offering the full complement of Cornerstones indefinitely.

Administrative Comments. Cornerstones basically function well. This may be because, in most instances, they do not depart radically from the preexisting offerings which they replaced. This is not to say that more radical restructuring is not possible; it is to say that it was not attempted. They present some problems in terms of faculty workload, in part because faculty teaching Cornerstones for the first time were given reduced teaching loads, but also because the uniform four hour format makes it difficult to assign faculty the normal four course annual load while not creating hour loads in excess of the normal 12 annual hours. The administration would prefer to have at least some of the Cornerstones liberated from the four hour strait jacket.

General Faculty Comments. To the extent that the Cornerstones differ from their predecessor courses, participating faculty have some concerns about them which revolve around superficiality. Some faculty commented that teaching in the Cornerstone format was only

legitimate if there were advanced offerings also available. Other faculty simply felt that the survey format made the course less interesting to teach. Two faculty members found the format more rather than less interesting.

General Student Comments. On the whole students comments concerning the Cornerstones were unfavorable and the degree of negative feeling appeared to be related to the extent to which the Cornerstone departed from prior traditional offerings. The most frequent complaint was that the Cornerstones attempted to cover too much material; views about the more extensive use of lecture were mixed.

Capstone Courses

Capstone courses were intended to be year long with up to 12 credit hours; involve extensive research (empirical or doctrinal) and writing; be interdisciplinary in some instances; integrate the study of doctrine, skills and values; employ innovative methodology; include frequent feedback to students; and be available to approximately one-half the third year class.

Enrollment. Unlike the Cornerstones, Capstone enrollment and offerings have not been heavy. See Appendix "B". One Capstone was taught during 1987-88 with an enrollment of 10 students; four during 1988-89 with a total enrollment of 45 students; and only one is being taught during 1989-90, with an enrollment of four students. Two other Capstones were scheduled for 1989-90 but were cancelled due to insufficient enrollment. This enrollment does

not meet expectations. It appears to be caused by lack of interest on the part of both faculty and students. This lack of mutual interest may in turn be due to poor marketing to students and lack of congruence between faculty and student interests. Three Capstones may have been perceived by students as having little practical value and two Capstones were offered by an unpopular instructors. Finally there was a perception on the part of the faculty that teaching Capstone courses involved a teaching overload (even though the course usually comprised 3/4 of the annual teaching load).

Year Long and 12 Credit Hours. All six Capstones have been year long. Three carried eight credit hours; the other three carried six credit hours. There appears to be consensus among the administration, faculty and students that the 12 hour model is not workable at the present time. For both students and faculty, 12 hours represents a very substantial portion of total available time. Faculty commitment to a 12 hour Capstone also reduces administrative flexibility with respect to teaching assignments for the rest of the curriculum.

Extensive Research and Writing. With one possible exception, all of the Capstones have met expectations with respect to the commitment to research and writing. In each instance multiple drafts of papers were required and revisions were made in response to faculty feedback and, in one instance, teaching assistant feedback. In two instances the research was genuinely interdisciplinary, one involving psychology, theology and political

theory; the other involving medicine, philosophy and economics. In one Capstone the research and writing expectation was not uniformly met. This appears to have been due to uneven student interest and commitment as well as planning problems associated with the clinical nature of the particular Capstone.

Integration. One of the most attractive features of the Capstone design is the possibility of integrating the study of doctrine, skills and values so that students and faculty can see the way they interact thereby enriching the study of each area.

All of the Capstones attempted some integration, partly through the interdisciplinary approaches described above, and partly through internships described below. Legal doctrine ranged from tort malpractice rules through international law. Value questions included theories of justice and ecology. Other than research and writing, there was less emphasis on lawyering skills such as interviewing, counseling, negotiation or advocacy. Although three of the Capstones included at least an optional clinical or placement component, only one of these focussed significantly on development of a lawyering skill.

Feedback Frequency. All of the Capstones included frequent feedback on student work. In most instances the feedback involved critique of written work product but all of the Capstones also included a number of meetings between the faculty member and individual students during which there was oral critique of student work.

Innovative Methodology. None of the Capstones depended

exclusively on traditional classroom meetings although all of them utilized such meetings to some extent. As noted above, one on one student-faculty contact was used in all of the Capstones. As also noted above, three of the Capstones included at least an optional field placement. These included placements in the criminal justice system; working on ongoing environmental litigation; and placement in medical settings. One of the medical placements included responsibility for drafting an informed consent manual for a major health care provider.

Institutionalization. There is a substantial question concerning the viability of the Capstone program. Unless 1989-90, with one faculty member and four students participating, turns out to be an aberration, it will be a mischaracterization to call the Capstone(s) a "program." It may be that the next phase is for Capstones to evolve into four-hour, one semester seminars -- more rigorous and interdisciplinary than the usual 2 hour seminar.

Administrative Comments. Capstone courses are difficult to staff with a small and mostly senior faculty, particularly while also attempting to accommodate faculty desires on leaves and sabbaticals. Not all faculty are interested in teaching Capstones and even for those who are interested their core courses may make it impossible. Capstones also require advance planning by both students and faculty in order to set and meet course prerequisites. This requires that the administration plan course offerings a full two years in advance, a difficult task given the constant uncertainty about faculty hiring, interests, and sabbaticals.

There is also a "marketing" problem with students. Students do not see Capstones as inherently valuable without regard to subject matter; faculty interests may lead them to choose subjects for Capstones that do not clearly meet students' desires for information or training that they perceive to be relevant to their future practice settings.

General Faculty Comments. Among participating faculty there was uniform support for the Capstone format although one faculty member stated that the "intensive" nature of the experience, gained at the expense of contact with a greater number of students, is a deterrent to frequent participation. Quality of interaction with students was cited as a benefit along with liberation from coverage and other requirements of traditional courses.

General Student Comments. Students reactions were mixed. Those students who took the commitment seriously, and particularly those with some special interest in the subject matter, viewed the experience favorably. Less committed students appeared to have a less satisfactory experience.

F. SUMMARY AND CONCLUSIONS

Judged against the grand goal originally set--to provide a unified educational experience in which the basic skills, knowledge and values necessary to the competent practitioner are acquired in a systematic, incremental and coherent fashion--Capstone-Cornerstone is only a qualified success. However, Capstone Cornerstone has achieved many of its intermediate goals and in certain respects has had a positive and potentially long lasting

impact on the curriculum.

The Cornerstone program is institutionalized with the large enrollment courses that were planned. This has, in a few instances, resulted in subject matter compression although the student and faculty reaction to that compression is mixed: faculty are concerned about superficiality; students resist the amount of material that is covered. In a few instances the Cornerstone courses bring some logical progression to the curriculum but to an uncertain purpose given the small number of advanced offerings that build on these courses. It is probably fair to say that innovative methodology and course material development have not occurred at a greater rate than would have been expected in the predecessor courses in their pre-Cornerstone formats. It is clear that the Cornerstone format reduces flexibility in course assignments. However, employment of the Cornerstone format has forced abandonment of the traditional array of three-hour advanced courses. In sum, the Cornerstone program is institutionalized but it has not fully met many of the goals set for it.

On the other hand, the Capstone program has largely met the goals set for it but it is not institutionalized. In only one year has the program come close to the predicted enrollment of one-half the third year class; the 1989-90 enrollment is less than 5%. Otherwise, however, Capstones have met almost all of the goals set for them. They are year-long courses which involve extensive research and writing; integrate values, skills and doctrine; provide frequent feedback to students; and use innovative

methodology. The reactions of most participating students and faculty are very positive. Even if Capstone never meets its original goal of extensive student participation, it will have resulted in some useful and permanent additions to the curriculum.

It is difficult to explain these results with any assurance that the explanations are anything more than self fulfilling confirmations of preexisting prejudices about curriculum and efforts to reform it. With that caveat in mind the following factors do appear to have operated with Capstone-Cornerstone.

Faculty Size. Ambitious curriculum reform is difficult with a small faculty that is unwilling to put aside research and service commitments indefinitely. The first year and core upper level courses must be taught and the size of these classes is limited by both pedagogical and architectural considerations. This means that there is a limited amount of faculty time left after core courses are staffed and Capstones must compete with traditional advanced offerings for this limited resource. Moreover, the nature of Capstones requires that they be a matter of faculty choice rather than an involuntary assignment. Finally, to a large extent there is overlap between the faculty who teach the first year and core upper level courses and those who are interested in teaching Capstones. On a small faculty there is simply less capacity for "discretionary" courses; this limited capacity exacerbates planning problems and complicates efforts to maintain manageable teaching workloads.

Student and Faculty Interests. For most of the faculty

Cornerstones were viewed as the "means," while Capstones were viewed as the "ends." Students do not share this vision. Capstones, even in the six or eight rather than 12 hour format, involve a substantial commitment and, in the view of some students, it is a commitment to study that will not be relevant to their future practice goals. Faculty also view the time commitment as substantial but justify it by the opportunity to be immersed in an area of interest. Faculty areas of interest and student perceptions of relevance do not necessarily coincide. Of course, the faculty strongly believes that Capstones are very "relevant" to "practice." The faculty and administration have not adequately conveyed this view; marketing is part of curriculum reform.

Intractability. Law schools are complex organizations with several constituencies, portions of which will at any time be invested in the status quo and therefor resistant to change. Curriculum reform efforts, including this one, always underestimate the amount, strength and impact of this resistance. Collegiality, commitment to teaching, and consensus may not be sufficient to overcome this resistance.

Vitality. Curriculum reform is expensive; thousands of hours have gone into planning and implementation of Capstone-Cornerstone. Curriculum reform is invariably disappointing if success is measured solely against the lofty goals that are typically set. However, such goals and measurements understate the benefits of reform efforts. Any effort that causes 80% of a faculty to participate in a project, to discuss fundamental

pedagogical issues, and to arrive at a working consensus on the direction its curriculum ought to take, must be viewed as a success. Process is at least as important as product.

APPENDIX A

UNIVERSITY OF UTAH COLLEGE OF LAW
CAPSTONE ENROLLMENT REPORT
1987-1990

1987-1988

"Restraint on War"	Firmage	8 cr. hrs; 10 students completed

1988-89

"Business Planning"	Dyer	8 cr. hrs; 12 students completed
"Crime & Punishment"	Frankel	6 cr. hrs; 12 students completed
"Public Lands"	Lockhart	8 cr. hrs; 9 students completed
"Law & Medicine"	Frances	6 cr. hrs; 12 students completed

1989-90

"Supreme Ct. Practice"	McCormack	6 cr. hrs; 4 students enrolled
"Public Lands"	Lockhart	Cancelled/insuff. enrollment
"Commercial Law"	Aaron	Cancelled/insuff. enrollment

APPENDIX B

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* UNIVERSITY OF UTAH COLLEGE OF LAW *
* CORNERSTONE ENROLLMENT REPORT *
* 1985-1990 *
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LAWYERING SKILLS

Year	PROFESSOR	FALL	PROFESSOR	SPRING	YEAR TOTAL
1985-1986	N/O		N/O		
1986-1987	Smith.....	10	Smith.....	10	20
1987-1988	Smith.....	62	N/O		62
1988-1989	Smith.....	33	N/O		33
1989-1990*	Smith.....	23	N/O		23
			COURSE TOTAL ENROLLMENT		138

CRIMINAL PROCEDURES

YEAR	PROFESSOR	FALL	PROFESSOR	SPRING	YEAR TOTAL
1985-1986	N/O		Boyce.....	51	51
1986-1987	N/O		Boyce.....	61	61
1987-1988	N/O		Boyce.....	44	44
1988-1989	Boyce.....	41	N/O		41
1989-1990*	Boyce.....	17	Boyce.....	49	66
			COURSE TOTAL ENROLLMENT		263

COMMERCIAL LAW

YEAR	PROFESSOR	FALL	PROFESSOR	SPRING	YEAR TOTAL
1985-1986	N/O		N/O		
1986-1987	N/O		N/O		
1987-1988	Threedy.....	78	Frankel....	50	128
1988-1989	Threedy.....	49	Frankel....	70	119
1989-1990*	Frankel.....	61	Threedy....	60	121
			COURSE TOTAL ENROLLMENT		368

* Spring 1990 based on pre-registration figures

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* UNIVERSITY OF UTAH COLLEGE OF LAW *
* CORNERSTONE ENROLLMENT REPORT *
* 1985-1990 *
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BASIC INCOME TAX

YEAR	PROFESSOR	FALL	PROFESSOR	SPRING	YEAR TOTAL
1985-1986	N/O		N/O		
1986-1987	Chancellor.....	75	N/O		75
1987-1988	Chancellor.....	73	Dyer.....	22	95
1988-1989	Chancellor....**	32+23	N/O		55
1989-1990*	Dyer.....	49	N/O		49

** Taught in 2 sections

COURSE TOTAL ENROLLMENT 274

LAND DEVELOPMENT

YEAR	PROFESSOR	FALL	PROFESSOR	SPRING	YEAR TOTAL
1985-1986	N/O		N/O		
1986-1987	N/O		N/O		
1987-1988	N/O		Martinez...	46	46
1988-1989	Schmid.....	43	N/O		43
1989-1990*	N/O		Martinez...	45	45

COURSE TOTAL ENROLLMENT 134

LITIGATION

YEAR	PROFESSOR	FALL	PROFESSOR	SPRING	YEAR TOTAL
1985-1986	N/O		N/O		
1986-1987	N/O		N/O		
1987-1988	N/O		Strachan...	61	61
1988-1989	McCormack.....	27	Strachan...	71	98
1989-1990*	McGuigan.....	81	N/O		81

COURSE TOTAL ENROLLMENT 240

* Spring 1990 based on pre-registration figures

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* UNIVERSITY OF UTAH COLLEGE OF LAW *
* CORNERSTONE ENROLLMENT REPORT *
* 1985-1990 *
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FAMILY LAW

YEAR	PROFESSOR	FALL	PROFESSOR	SPRING	YEAR TOTAL
1985-1986	N/O		Martinez...	21	21
1986-1987	Teitelbaum.....	41	N/O		41
1987-1988	Teitelbaum.....	77	N/O		77
1988-1989	Teitelbaum.....	50	N/O		50
1989-1990*	Teitelbaum.....	54	N/O		54

COURSE TOTAL ENROLLMENT 243

TRIAL ADVOCACY

YEAR	PROFESSOR	FALL	PROFESSOR	SPRING	YEAR TOTAL
1985-1986	N/O		Morris.....	67	67
1986-1987	N/O		Morris.....	62	62
1987-1988	N/O		Morris.....	59	59
1988-1989	N/O		Morris.....	60	60
1989-1990*	N/O		Morris.....	71	71

COURSE TOTAL ENROLLMENT 319

EVIDENCE

YEAR	PROFESSOR	FALL	PROFESSOR	SPRING	YEAR TOTAL
1985-1986	N/O		Matheson...	35	35
1986-1987	Boyce.....	80	Strachan...	34	114
1987-1988	Boyce.....	75	Matheson...	57	132
1988-1989	Knight-Eagan...	49	Boyce.....	85	134
1989-1990*	Boyce.....	81	Teitelbaum.	34	115

COURSE TOTAL ENROLLMENT 530

* Spring 1990 based on pre-registration figures

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* UNIVERSITY OF UTAH COLLEGE OF LAW *
* CORNERSTONE ENROLLMENT REPORT *
* 1985-1990 *
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NATURAL RESOURCES

YEAR	PROFESSOR	FALL	PROFESSOR	SPRING	YEAR TOTAL
1985-1986	N/O		N/O		
1986-1987	Lockhart.....	8	N/O		8
1987-1988	Zillman.....	36	N/O		36
1988-1989	N/O		Zillman....	29	29
1989-1990*	N/O		Zillman....	43	43
			COURSE TOTAL ENROLLMENT		116

TRUSTS AND ESTATES

YEAR	PROFESSOR	FALL	PROFESSOR	SPRING	YEAR TOTAL
1985-1986	N/O		Kogan.....	40	40
1986-1987	Emery.....	37	Kogan.....	78	115
1987-1988	Emery.....	49	Emery.....	25	74
1988-1989	Emery.....	24	Kogan.....	65	89
1989-1990*	Emery.....	42	Kogan.....	46	88
			COURSE TOTAL ENROLLMENT		406

ADMINISTRATIVE LAW AND REGULATIONS

YEAR	PROFESSOR	FALL	PROFESSOR	SPRING	YEAR TOTAL
1985-1986	N/O		N/O		
1986-1987	Lockhart.....	32	Leape.....	44	76
1987-1988	Leape.....	41	Lockhart...	12	53
1988-1989	Leape.....	90	N/O		90
1989-1990*	Lockhart.....	6	Skibine....	83	89
			COURSE TOTAL ENROLLMENT		308

* Spring 1990 based on pre-registration figures

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* UNIVERSITY OF UTAH COLLEGE OF LAW *
* CORNERSTONE ENROLLMENT REPORT *
* 1985-1990 *
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BUSINESS ORGANIZATIONS

Year	PROFESSOR	FALL	PROFESSOR	SPRING	YEAR TOTAL
1985-1986	N/O		Chancellor.	50	50
1986-1987	Spurgeon.....	71	Dyer.....	24	95
1987-1988	Dyer.....	57	Dykstra....	57	114
1988-1989	Dyer.....	78	Spurgeon...	35	113
1989-1990*	Spurgeon.....	23	Dyer.....	78	101
			COURSE TOTAL ENROLLMENT		473

* Spring 1990 based on pre-registration figures